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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,878	03/16/2005	Georg Halasy-Wimmer	PC10535US	2047
23122	7590	10/02/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			SY, MARIANO ONG	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			3683	
			MAIL DATE	DELIVERY MODE
			10/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,878

Applicant(s)

HALASY-WIMMER ET AL.

Examiner

Mariano Sy

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 6, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32,44 and 55-62 is/are pending in the application.
- 4a) Of the above claim(s) 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32,44,55-59,61 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on August 6, 2007 has been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32, 44, 55-57, 61 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 4,014,414).

Yamamoto et al. disclosed, as shown in fig. 1-4, a hydraulic vehicle brake equipped with a parking brake device, including a brake housing, a hydraulic service pressure chamber, a brake piston 34, a locking device 40, 42, and an energy accumulator 60 cooperating with the brake piston being equipped with a spring element 152, wherein the parking brake device is operable by a pressure (inlet 74) that is introduced into the service pressure chamber and enables charging the energy accumulator, an arresting unit 76, formed of at least two electromagnets (see fig. 4) with a coil that fulfils the function of a sensor for sensing the position of a slide 82 actuated by an armature 80 of the electromagnet, is provided which maintains the energy accumulator in its charged condition during service brake operations.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of Mohr et al. (US 5,645,143).

Yamamoto et al. disclosed, as shown in fig. 1-4, a hydraulic vehicle brake equipped with a parking brake device, including a brake housing, a hydraulic service pressure chamber, a brake piston 34, a locking device 40, 42, and an energy accumulator 60 cooperating with the brake piston being equipped with a spring element 152, wherein the parking brake device is operable by a pressure (inlet 74) that is introduced into the service pressure chamber and enables charging the energy accumulator, an arresting unit 76, formed of at least one electromagnet with a coil that

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fulfils the function of a sensor for sensing the position of a slide 82 actuated by an armature 80 of the electromagnet, is provided which maintains the energy accumulator in its charged condition during service brake operations.

However Yamamoto et al. failed to disclose wherein the arresting unit formed of at least one piezoelectric actuator.

Mohr et al. teaches, as shown in fig. 1 and 1A, a braking system comprising a brake caliper with a piezoelectric actuator 14, 15.

It would have been obvious to one of ordinary skill in the art to merely use the known piezoelectric actuator into the brake system of Yamamoto et al., as taught by Mohr et al., as a matter of design choice in order to actuate the slide.

Response to Arguments

7. Examiner has considered all arguments in the Remarks but are moot based on new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Sy M. Sy

September 17, 2007

Robert A. Siconolfi 9/27/07
ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER